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May 5, 2017

**VIA ECF**

The Honorable Katharine H. Parker  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1950  
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,  
Case No. 15-CV-5345 (AJN)(KHP)**

Dear Judge Parker,

We represent crossclaim defendants Viktor and Ilyas Khrapunov in the above-referenced matter. On May 2, 2017 we responded to the Plaintiff's April 19 Letter motion (ECF No. 303) which requested an order of the Court compelling Ilyas Khrapunov to appear for a deposition outside of Switzerland, where he resides with his family. ECF No. 320.

It is necessary now to write again to respond to Plaintiffs' May 4, 2017 letter, which states that although our May 2 letter said that the Interpol Red Notice was issued against Ilyas Khrapunov in 2014, Mr. Khrapunov submitted an affidavit to the UK High Court, Phillips, J., in January of 2016 that he and his father were added to the Interpol List (Red Notice) in 2012. ECF No. 323 at 1-2.

Plaintiffs' counsel argue that this inconsistency is "particularly troubling" and that Mr. Khrapunov is either "misleading the UK courts" or "attempting to mislead the Court now." *Id.* at 2.

What Plaintiffs' counsel does not include in their May 4 letter is that on May 25, 2016 Ilyas Khrapunov, having discovered the error, advised the UK Court. See "Second Witness Statement of Ilyas Khrapunov" attached here as Exhibit 1.

That affidavit reads, in relevant part, as follows:

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**HOGUET NEWMAN**  
**REGAL & KENNEY, LLP**

1. "I make this statement to correct a mistake in my First Affidavit dated 30 November 2015"

...

3. "At para 5(2) of my First Affidavit I stated that mine and my father's names were both added to the Interpol list of wanted persons in 2012. This was an error. My father's name was indeed added to that list in 2012, but mine was not added until April 2014, as explained at para 10 of Mr. Jenkins's Fourth Statement. [UK Counsel for Mr. Ilyas Khrapunov in the UK High Court proceeding; JSC BTA Bank v. Mukhtar Ablyazov/Ilyas Khrapunov, High Court of Justice, Queens Bench Division, Commercial Court Claim No. 2015 C2549.] I apologise for this oversight."
4. "For the avoidance of doubt, as regards my travel outside Switzerland, I have not travelled outside Switzerland since I became aware that there was an Interpol Red Notice registered against me in the summer of 2014 (as explained in para. 5 of my witness statement dated 20 May 2016) nor have I done so since the Interpol Red Notice was issued in April 2014."

In sum, the erroneous statement that the Interpol Red Notice was issued in 2012 was corrected in May of last year when Mr. Khrapunov realized the error. The UK High Court was advised and the Court record corrected at that time.

In addition, the issuance year and number of the Interpol Red Notice is ascertainable from the URL of the notice on Interpol's website:

<https://www.interpol.int/notice/search/wanted/2014-26980>. See ECF No. 322-1, re-attached here as Exhibit 2 (emphasis added).

Respectfully submitted,

  
John J. Kenney

cc: All Counsel of Record (by ECF)